

REMARKS

FORMAL MATTERS

Claims 2-10, 15, 20, 25-60 and 62-81 are pending after entry of the amendments set forth herein.

Claims 40-51 are presently withdrawn from current consideration.

Claims 1, 11-14, 16-19, 21-24 and 61 are canceled without prejudice.

Claims 10, 15, 20, 36, 38, 42, 43, 46, 50, 51, 70, 71, 75, and 76 are amended.

Claims 10, 15 and 20 are amended to recite “a functional fragment of the antibody” thus providing antecedent basis for “functional fragment” in amended dependent claim 38, and in new dependent claims 80 and 81.

Claim 38 is amended to depend from claim 10.

Claim 36 is amended to provide a period at the end of the claim.

Claims 42, 46, 50 and 51 are amended for further clarity. Support for these amendments is found throughout the specification and at, for example, specification page 2, lines 13-16; page 2, line 29 to page 3, line 3; and page 6, lines 34-36.

Claims 70 and 71 are amended to correct antecedent basis.

Claims 75 and 76 are amended to correct a typographical error.

New claims 77-79 are added to capture the subject matter deleted from amended claim 50. These claims find support in, for example, claim 50 as originally filed.

New claims 80 and 81 are added. Support for these new claims is found in the specification as filled, as well as in original claim 38.

No new matter is added.

INTERVIEW SUMMARY

Applicants thank Examiner Gabel for the in-person interview conducted with the undersigned on July 14, 2011. The amendments and arguments as presented in the response filed May 27, 2011 were discussed. Specifically, the Examiner and the undersigned discussed:

- The §112, ¶1 written description rejection in light of the arguments and, to expedite allowance, claim amendments to delete reference to “95% amino acid sequence identity”;
- The §112, ¶1 enablement and written description rejections, as well as the objection to the amendment to the specification, in light of the submission of the Statement Corroborating Identity of Biological Material; and
- The §103(a) rejection in light of the arguments presented, and in particular the teaching away within the Oppermann reference and Applicants’ unexpected results.

The Examiner indicated that, pending further and final review, the May 27th response would be favorably considered, and should result in withdrawal of all rejections of record. The Examiner then kindly reviewed the claims in detail, and suggested amendments that could allow rejoinder of withdrawn claims and which should place the claims in form for allowance.

Applicants also thank Examiner Gambel for the telephonic interviews on August 4, 2011 and August 9, 2011 for further follow up discussions regarding the amendments to the claims.

The amendments discussed during the interviews are presented above. Applicants respectfully request entry of the amendments, rejoinder of the withdrawn claims, and allowance of the application.

CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number RICE-032.

Respectfully submitted,

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